

SUMMONS IN CIVIL ACTION - CIRCUIT COURT

IN THE CIRCUIT COURT FOR SEVIER COUNTY IN SEVIERVILLE, TENNESSEE

Connie J. Rains and Melanie K. Claxton

Plaintiffs,

vs.

No. 2011-0466-IV

Ishawar Patel, Harry Patel, Ram Ratan
Corporation, d/b/a Parkway Hotel & Suites and
Red Roof Inn Gatlinburg, d/b/a Red Roof Inn &
Suites, Red Roof Franchising, LLC, and Red
Roof Inns, Inc., d/b/a Red Roof Inns, Inc., of
Delaware,

Defendants.

CIRCUIT COURT
FILED
2012 AUG -3 AM 10:46
RITA D. ELLISON, CLERK
SEVIER COUNTY, TN

SUMMONS

To the above named Defendant, Red Roof Franchising, LLC, c/o Registered Agent, Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203:

You are hereby summoned and required to serve upon ROSS GRAY, whose address is 101 Bruce Street, Sevierville, TN 37862, an answer to the Complaint, which is herewith served upon you within (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness, Rita Ellison, Clerk of said court, at office the 3 day of August, 2012 at 10:46 o'clock A. M.

Rita Ellison, Clerk

By: [Signature]
Deputy Clerk

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. [§T.C.A., Sec. 26-2-114.]

Received this 4th day of August, 2012 A. Harmon, Deputy Sheriff, Process Server
(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the _____ day of _____, 20____, I served this summons together with the complaint herein as follows: _____

Sheriff-Deputy Sheriff

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

CONNIE J. RAINS and
MELANIE K. CLAXTON,

Plaintiffs,

v.

ISHAWAR PATEL, HARRY PATEL,
RAM RATAN CORPORATION, D/B/A
PARKWAY HOTEL & SUITES AND
RED ROOF INN GATLINBURG, D/B/A
RED ROOF INN & SUITES, RED
ROOF FRANCHISING, LLC, AND RED
ROOF INNS, INC. D/B/A RED ROOF
INNS, INC. OF DELAWARE,

Defendants.

No. 2011-0466-IV

Jury Trial Demanded

2nd AMENDED COMPLAINT

FILED
2012 AUG -3 AM 10:46
CLERK OF COURT
SEVIER COUNTY, TN

Comes now Plaintiffs, Connie J. Rains and Melanie K. Claxton, by and through counsel, and hereby sues the Defendants Ishawar Patel, Harry Patel, Ram Ratan Corporation, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites, Red Roof Franchising, LLC and Red Roof Inns, Inc., d/b/a Red Roof Inns, Inc. of Delaware, and for money damages and for cause of action would show to this Honorable Court as follows:

I. PARTIES

1. That the Plaintiffs, Connie J. Rains and Melanie K. Claxton, are citizens and residents of Sevierville, Sevier County, Tennessee.
2. That Defendant, **Ishawar Patel**, is a citizen of Sevier County, employed by or is an agent for his co-defendants, Harry Patel, Ram Ratan Corporation, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites, Red Roof Franchising, LLC, and Red Roof Inns, Inc. d/b/a Red Roof Inns, Inc. of Delaware, and may be served with process at 401 Hemlock Street, Gatlinburg, TN 37738 or 309 Ownby Street, Gatlinburg, TN 37738.
3. That the Defendant, **Harry Patel**, the owner-operator of Red Roof Inn and Suites, is a citizen of Sevier County, employed by or is an agent for Ram Ratan Corporation, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites, Red Roof Franchising, LLC, and Red Roof Inns, Inc. d/b/a Red Roof Inns, Inc. of Delaware,

and may be served with process at 401 Hemlock Street, Gatlinburg, TN 37738 or 309 Ownby Street, Gatlinburg, TN 37738.

4. That Defendant, **Ram Ratan Corporation**, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inns & Suites, is, upon information and belief, a corporation licensed to do business in the State of Tennessee and may be served with process through its registered agent, Duane Cline, 400 W. Main Street, Ste. 316, Morristown, TN 37814-4695.
5. That Defendant, **Red Roof Franchising, LLC**, is, upon information and belief, a Delaware corporation licensed to do business in the State of Tennessee, and may be served with process through its Registered Agent, Corporation Service Company, located at 2908 Poston Ave., Nashville Tennessee 37203.
6. That Defendant, **Red Roof Inns, Inc.**, d/b/a Red Roof Inns, Inc. of Delaware, is, upon information and belief, a Delaware Corporation and may be served with process through its Registered Agent, Corporation Service Company, located at 2908 Poston Ave., Nashville Tennessee 37203.

II. VENUE

7. That the Defendants operate or are employed by a business in Sevier County, Tennessee, and the incidents, actions, and inactions giving rise to the Plaintiffs' claims and causes of action took place in Sevier County, Tennessee, making venue and jurisdiction proper with this Honorable Court pursuant to inter alia, TENN. CODE ANN. § 20-4-101.
10. This Honorable Court additionally has jurisdiction pursuant to inter alia TENN. CODE ANN. § 16-10-101.

III. FACTS

11. The Defendant, Harry Patel, by and through Defendant, Ram Ratan Corporation, operates a business known as Red Roof Inns & Suites located at 401 Hemlock Street, Gatlinburg, TN 37738.
12. That the Defendant, Ishawar Patel, at the time of the event, was employed at the business known as the Red Roof Inns & Suites, located at 401 Hemlock Street, Gatlinburg, TN 37738.
13. That the Defendants, Red Roof Inn Franchising, LLC and Red Roof Inns, Inc., d/b/a Red Roof Inns, Inc. of Delaware are in the business of offering franchise opportunities, and are in fact franchisors and owners of the name and trade name "Red Roof Inn."
14. That the Defendant, Ram Ratan Corporation, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites, is the agent or apparent agent,

licensee/franchisee of Defendants Red Roof Inn Franchising, LLC and Red Roof Inns, Inc., d/b/a Red Roof Inns, Inc. of Delaware.

15. That the Defendants, Red Roof Inn Franchising, LLC and Red Roof Inns, Inc., d/b/a Red Roof Inns, Inc. of Delaware have direct and/or indirect control of Defendant Ram Raton Corporation, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites use of the name "Red Roof Inn" and the policies and procedures that Defendant Ram Raton Corporation must follows.
16. That the Defendants, Red Roof Inn Franchising, LLC and Red Roof Inns, Inc., d/b/a Red Roof Inns, Inc. of Delaware, advertise to potential employees that they are an equal opportunity employer.
17. That as a company incorporated and doing business in the State of Tennessee, Ram Ratan Corporation is subject to compliance with the provisions of the Tennessee Human Rights Act, TENN. CODE ANN. § 4-21-101(a), et seq.
18. That on June 13, 2010, Plaintiffs, Connie J. Rains and Melanie K. Claxton, were employed by Red Roof Inn & Suites under the supervision of Ishawar Patel, an employee and/or agent of Defendant, Ram Raton Corporation, d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites.
19. That at the time of Plaintiffs' employment and all relevant times thereafter, Red Roof Inn and Suites employed fifteen (15) or more employees and engaged in interstate commerce as a hotel service for out of town and out of state visitors.
20. That on or about July 14, 2010, Plaintiff, Melanie K. Claxton, was the victim of a sexual assault by her supervisor, Ishawar Patel. A complaint was filed with the Sevier County General Sessions Court, a copy of which is attached as **Exhibit A**.
21. That on or about July 14, 2010, Plaintiff, Melanie K. Claxton, was overheard by Defendant Harry Patel, owner/operator of Red Roof Inns & Suites, discussing the incident and became angry with her for talking about it. At this point, Ms. Claxton quit her job and let the property.
22. That on or about July 21 2010, Plaintiff, Connie J. Rains, was the victim of a sexual assault by her supervisor, Ishawar Patel, while at work at the Red Roof Inns & Suites. A complaint was filed with the Sevier County General Sessions Court, a copy of which is attached as **Exhibit B**.
23. That on or about July 22, 2010, Plaintiff, Connie J. Rains, went to the business owner, Harry Patel, and reported the assault of July, 21, 2010. Plaintiff Rains informed Defendant Harry Patel that she had been subject to a sexual assault and to other unwanted sexual advances over the past few days by Defendant Ishawar Patel.

24. That Defendant Harry Patel, upon learning of the accusations against Defendant Ishawar Patel, terminated Plaintiff Rains' employment.
25. That prior to her termination, Plaintiff Rains performed all of her duties in a proper and appropriate manner.
26. That Defendant, Ishawar Patel, was subsequently investigated by local law enforcement agents for the assaults on both plaintiffs.
27. That Defendant, Ishawar Patel, pled guilty in Sevier County Circuit Criminal Court to two counts of sexual battery on June 6, 2011; copies of the judgments are attached as collective Exhibit C.
28. That Plaintiffs, Connie J. Rains and Melanie K. Claxton, were the named victims to the offenses which gave rise to the convictions referenced above.
29. That, as a result of the conduct alleged herein, the Plaintiff Rains filed a Charge of Discrimination, Sexual Harassment and Retaliation with the Tennessee Human Rights Commission on or about January 12, 2011, amended at the request of the EEOC on February 09, 2011, (See, Exhibits D, E, and F). Plaintiffs Rains and Claxton have now received Notices of Right to Sue from the EEOC. (See collective Exhibit G).

IV. First Cause of Action

30. That Plaintiff Rains employment termination from Red Roof Inns & Suites was unlawful, done punitively, and in retaliation for complaining to owner, Harry Patel, about his employee or agent, Defendant Ishawar Patel's sexual harassment and sexual battery of the Plaintiff Rains in violation of TENN. CODE ANN. § 4-21-301(1).

V. Second Cause of Action

31. That Plaintiff Rains employment termination from Red Roof Inns & Suites was unlawful, done punitively, and in retaliation for complaining to owner, Harry Patel, about his employee or agent, Defendant Ishawar Patel's sexual harassment and sexual battery of the Plaintiff Rains in violation of the common law principal of retaliatory discharge.

VI. Third Cause of Action

32. That the actions of the Defendants, through their employee and/or apparent agent, defendant Ishawar Patel, constitute a hostile and abusive work environment in which actual sexual abuse of the Plaintiffs Rains and Claxton occurred.
33. That the environment described above was sufficiently severe and pervasive enough to alter the conditions of employment and create a hostile and abusive working environment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e

et seq. and prohibited by the Tennessee Human Rights Acts, (THRA), TENN. CODE ANN. §4-21-101, et seq.,

34. That Plaintiffs maintain that the Defendants, Ishawar Patel, Harry Patel, Ram Ratan Corporation, Red Roof Franchising LLC, and Red Roof Inn, Inc. are in violation of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. and the Tennessee Human Rights Acts, (THRA), TENN. CODE ANN. §4-21-101, et seq.,

VI. Fourth Cause of Action

35. That the Plaintiffs maintain that the Defendants, Harry Patel, Ram Ratan Corporation, Red Roof Franchising LLC, and Red Roof Inn, Inc. are responsible and liable for Defendant Ishawar Patel's unlawful conduct under agency principles, the doctrine of Respondeat Superior, and because they knew, or should have known, of the conduct alleged, or were constructively on notice of victimization of Plaintiffs at the hands of Defendant, Ishawar Patel.
36. That the Plaintiffs maintain that the Defendants, Ram Ratan Corporation, Red Roof Franchising LLC, and Red Roof Inn, Inc. are responsible and liable for Harry Patel's unlawful conduct under agency principles, the doctrine of Respondeat Superior, and because they knew, or should have known, of the conduct alleged, or were constructively on notice of the retaliation against Plaintiff Rains at the hands of Defendant, Harry Patel.

VII. Fifth Cause of Action

37. That the Plaintiffs maintain that the Defendants, Red Roof Franchising LLC and Red Roof Inn, Inc. are responsible, for the actions of Defendants Ishawar Patel, Harry Patel, and Ram Ratan Corporation, because they acquiesced to, approved of, or ratified Defendants Ishawar Patel, Harry Patel and Ram Ratan Corporation's actions through active consent or willful neglect of their duty to supervise their agents under the doctrine of negligent supervision.

VIII. Sixth Cause of Action

38. That the Plaintiffs maintain that the Defendants, Harry Patel and Ram Ratan Corporation, are responsible for the actions of Defendant Ishawar Patel because they acquiesced to, approved of, or ratified Defendants Ishawar Patel's actions through active consent or willful neglect of their duty to supervise their employee/agents under the doctrine of negligent supervision.

VIII. Seventh Cause of Action

39. That Defendant Ishawar Patel's conduct goes beyond the elements necessary for sexual harassment and that he has also committed assault due to the reasonable apprehension of immediate harmful or offensive contacts to Plaintiffs' person by Defendant, thereby constituting assault under Tennessee common law.

VI. Eighth Cause of Action

40. That Defendant Ishawar Patel's conduct goes beyond the elements necessary for sexual harassment and that he has also committed battery due to the intentional unwelcome and repeated touching of Plaintiffs which were each an offensive contact to Plaintiffs' persons, thereby constituting battery under Tennessee common law.

VII. Ninth Cause of Action

41. That the conduct of the Defendants led to the unlawful discharge of Plaintiff Rains for exercising her right to be free of sexual harassment in the work place, in violation of TENN. CODE ANN. §4-21-301 and TENN. CODE ANN. §50-1-304.

VIII. Tenth Cause of Action

42. That, as a proximate result of Defendants' conduct, Plaintiffs have incurred and will continue to incur a loss of income and benefits, and they have sustained and continue to sustain emotional distress, humiliation and pain and suffering, and loss of enjoyment of life,
43. That these Defendants knew or should have known that the Plaintiffs would experience and did experience serious emotional injury due to the Defendants' outrageous conduct.

VI. Eleventh Cause of Action

44. That the Defendants Harry Patel and Ram Raton Corporation's actions in allowing Ishawar Patel to work at the hotel, in a supervisory position, despite knowing his predisposition for the inappropriate treatment of women, was grossly reckless and the direct and proximate cause of the sexual assaults against the Plaintiffs.

X. Twelfth Cause of Action

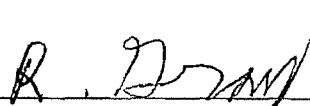
45. That the Defendants grossly, recklessly, willfully and wantonly breached their duty of care owed to the Plaintiffs to provide a safe working environment and to protect against reasonably foreseeable criminal attacks, in violation of the Tennessee Human Rights Acts, (THRA), TENN. CODE ANN. §4-21-101, et seq., and established industry principles for lodging properties.
46. That the Defendants' actions were intentional, reckless and malicious and are sufficient to justify the imposition of substantial punitive damages.

PRAYERS FOR RELIEF

Wherefore, Plaintiffs pray for the following relief, To-wit:

1. Compensatory damages of One Million Five hundred Thousand Dollars (\$1,500,000.00).
2. Punitive damages in the amount of Two Million Dollars (\$2,000,000.00).
3. Prejudgment interest.
4. Reasonable attorney's fees.
5. All reasonable costs to bring this cause.
6. A jury to try this cause.
7. The right to freely amend this suit after the completion of a reasonable discovery phase.


RESPECTFULLY SUBMITTED this the _____ day of July, 2012.

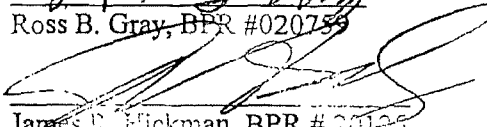


Ross B. Gray, B.P.R. #020759
Hickman, Gray and Associates, PLLC
101 Bruce Street
Sevierville TN 37862
Attorney for the Plaintiff

COST BOND

We acknowledge ourselves sureties for all costs and taxes in this case in accordance with TCA Section 20-12-120.



Ross B. Gray, BPR #020759


James R. Hickman, BPR # 20025

GENERAL SESSIONS COURT
FOR SEVIER COUNTY,
TENNESSEE

SEVIER COUNTY NO. 0251689
STATE CONTROL #

STATE OF TENNESSEE,

Ishwar Patel vs.

ALIAS DEFENDANT

Red Roof Inn & Suites Room 109

401 Hemlock Street

Gatlinburg, TN 37738

Charge: Sexual Battery

CA: 39-13-505

home DOB 03-15-1935

IR# SS#

ex M Race Indian 5'7 Wt 140

hair Brun Eyes Brun Work

Attorney for Defendant

COURT DATES:

am/pm

ONT to

am/pm BY STATE/DEF

NT to

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about (date of incident) the 14th day of July, 2010 in SEVIER County, Tennessee, the Defendant Ishwar Patel (Alias), committed the offense(s) of Violation(s) of TCA section(s) 39-13-505. I further state under oath that the essential facts constituting the offense(s), the sources of my information and the reasons why this information is believable and reliable are as follows:

TO WIT: On the above date, affiant states that Ishwar Patel (Alias) blocked her way out of laundry room while affiant was employed at Wildwood Inn, now Red Roof Inn located at 401 Hemlock Street, Gatlinburg TN 37738 and without affiant's consent, grabbed affiant's breasts. This incident occurred at the hotel located at 401 Hemlock Street Gatlinburg. Affiant states that Ishwar Patel is the father of the hotel's owner.

Affiant's Signature: Melanie Clayton
Name (Printed): Melanie Clayton
Address (Printed): 539 Hemlock St #5
Gatlinburg, TN 37738
Phone Number (865) 806-3750 (home) cell (work)

Sworn to and subscribed before me on this
the 28th day of July, 2010
M. R. Gutter
Judge/Clerk/Judicial Commissioner

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS OR WARRANT

Based on the Affidavit of Complaint and there is probable cause to believe that on the date set forth above in SEVIER COUNTY, TENNESSEE the defendant committed the above described offense(s) and hereby issue:

() CRIMINAL SUMMONS (X) ARREST WARRANT

To immediately ARREST/SUMMONS the above named defendant to appear before the General Sessions Court of SEVIER COUNTY, TENNESSEE at the COURT to answer the above charges on the 31st day of September, 2010 at 2:00 am.
Bail is set in the amount of \$0.

Date 7/28/10

IF YOU FAIL TO APPEAR YOU WILL BE ARRESTED

M. R. Gutter
Judge/Clerk/Judicial Commissioner

OFFICER'S RETURN

() Criminal Summons served on defendant on the 30th day of August, 2010 at 14:05 am/pm. (X)
(X) Arrest Warrant served and defendant arrested on 30th day of August, 2010 at 14:05 am/pm. (X)
() Criminal Summons () Arrest Warrant returned not served the defendant cannot be located.

Officer's Signature [Signature]
Officer's Name Printed Paul Melcher

**GENERAL SESSIONS COURT
FOR SEVIER COUNTY,
TENNESSEE**

SEVIER COUNTY #10-2571686
STATE CONTROL

STATE OF TENNESSEE,
vs.
ISHAWAR PATEL
(ALIAS) DEFENDANT:
RED ROOF INN, SUITES RM #109
Address GATLINBURG, TN. 37738
Charge: SEXUAL BATTERY
TCA: 39-13-505
Phone: _____ DOB: 3-15-1935
DR# _____ SS# _____
Sex M Race Indian Ht 5-7 Wt 140 lbs
Hair _____ Eyes _____ Work _____
Atorney for Defendant
COURT DATES: Sept 13, 2010
at 2:00 am/pm
CONT to _____ am/pm BY STATE/DEF

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about (date of incident) the 21st day of JULY, 2010 in SEVIER County, Tennessee, the Defendant ISHAWAR PATEL (ALIAS) committed the offense(s) of Violation(s) of TCA section(s) 39-13-505. I further state under oath that the essential facts constituting the offense(s), the sources of my information and the reasons why this information is believable and reliable are as follows:

ON ABOVE DATE WHILE THE AFFIANT WAS EMPLOYED AT THE RED ROOF INN SUITES LOCATED AT 401 HENLOCK ST. GATLINBURG, TN. 37738, THE DEFENDANT DID APPROACH THE AFFIANT AND DID GRAB HER BREAST, BUTTICKS, AND CRITCH AREA. THIS WAS DONE WITHOUT THE AFFIANTS CONSENT OR PERMISSION.

Affiant's Signature: Connie Jeanine Rains

Name (Printed): CONNIE JEANINE RAINS

Address (Printed): 918 E. PARKWAY RM. 155

ELWIN BRANCH RD GATLINBURG, TN. 37738

NEVILLVILLE, TN. 37876

Phone Number: 865-256-6414 (home) 606-269-6996 (work)

Sworn to and subscribed before me on this

the 28th day of JULY, 2010

[Signature]
Judge/Clerk/Judicial Commissioner

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS OR WARRANT

Based on the affidavit of complaint I find there is probable cause to believe that on the date set forth above in SEVIER COUNTY, TENNESSEE the defendant committed the above described offense(s) and hereby issue:

☐ CRIMINAL SUMMONS

☒ ARREST WARRANT

OFFICERS RETURN

To immediately ARREST/SUMMONS the above named defendant to appear before the General Sessions Court of SEVIER COUNTY, TENNESSEE at the COURTHOUSE to answer the above charges on the 13th day of September, 2010 at 2:00 am/pm.

Bail is set in the amount of \$500.

Date 7-28-2010

☐ Criminal Summons served on defendant on the _____ day of _____, 20____ at _____ am/pm.

☒ Arrest Warrant served and defendant arrested on 30th day of August, 2010 at 1:45 am/pm RM.

☐ Criminal Summons ☐ Arrest Warrant returned not served the defendant cannot be located or _____

IF YOU FAIL TO APPEAR YOU WILL BE ARRESTED

[Signature]
Judge/Clerk/Judicial Commissioner

Officer's Signature: [Signature]
Officer's Name Printed: Kent R. Baker

IN THE CRIM. L/CIRCUIT COURT OF SEVIER CO. KY, TENNESSEE

Case Number: 15884-II Count # I Attorney for the State: A. McDermott
 Judicial District: 4th Judicial Division: II Counsel for Defendant: D. Campbell
 State of Tennessee vs. ☒ Retained ☐ Appointed ☐ Public Defender
☐ Counsel Waived ☐ Pro Se

Defendant: ISHAWAR PATEL

Alias: _____

Date of Birth: 3/15/1935Sex: MRace: I

SSN: _____

Indictment Filing Date: 10/29/2010

TDOC # _____

State Control # _____

State ID # _____

County Offender ID # _____

JUDGMENT

☒ Original ☐ Amended ☐ CorrectedRITA D. ELLISON, CLERK
SEVIER COUNTY, TN

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 16 of June, 2010, the defendant:

☒ Pled Guilty ☐ Dismissed/Nolle Prosequi
☐ Nolo Contendere ☐ Retired/Unapprehended Defendant
☐ Guilty Plea - Pursuant to 40-35-311

Is found: ☒ Guilty ☐ Not Guilty
☐ Jury Verdict ☐ Not Guilty by Reason of Insanity
☐ Bench Trial

Indictment: Class (circle one) 1st A B C D E ☒ Felony ☐ MisdemeanorOffense: SEXUAL BATTERYAmended Charge: AssaultOffense Date: 7/14/2010County: SevierConviction Offense: AssaultIs this conviction offense methamphetamine related? ☐ Yes ☒ NoTCA #: 39-13-505Sentence Imposed Date: 6-6-11Conviction: Class (circle one) 1st (A) B C D E ☐ Felony ☒ Misdemeanor

After considering the evidence, the entire record, & all factors in T.C.A. Title 40 Chapter 35, all of which are incorporated by reference herein, the Court's findings & rulings are:

Sentence Reform Act of 1989
Offender Status (Check One) Release Eligibility (Check One)

☐ Mitigated ☐ Mitigated 20% ☐ Multiple Rapist 100%
☐ Standard ☐ Mitigated 30% ☐ Child Rapist 100%
☐ Multiple ☐ Standard 30% ☐ Repeat Violent 100%
☐ Persistent ☐ Multiple 35% ☐ Child Predator 100%
☐ Career ☐ Persistent 45% ☐ 1st Degree Murder
☐ Repeat Violent ☐ Career 60% ☐ Drug Free Zone
☐ Violent 100% ☐ Gang Related

Concurrent with:

count 2

Consecutive to:

count 3

Pretrial Jail Credit Period(s):

From _____ to _____
 From 2012 AUG -3 to 2012 AUG -3
 From _____ to _____
 From _____ to _____

Sentenced To: ☐ TDOC ☒ County Jail ☐ WorkhouseSentence Length: _____ Years 11 Months 29 Days _____ Hours _____ Weekends ☐ Life ☐ Life w/out Parole ☐ DeathMandatory Minimum Sentence Length: _____ 39-17-417, 39-13-513, 39-13-514 in Drug Free Zone or _____ 55-10-401 DUI 4th Offense

or _____ 39-17-1324 Possession/Employment of Firearm

Period of incarceration to be served prior to release on probation: _____ Months _____ Days _____ Hours _____ Weekends

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)

Alternative Sentence: ☐ Probation ☐ Diversion ☐ Drug Court ☐ Community Based Alternative - Specify

_____ Years _____ Months _____ Days

Effective: _____

Court Ordered Fees and Fines:

Cost to be Paid by

☒ Court Costs ☒ Defendant ☐ State
 \$ _____ Fine Assessed
 \$ _____ Traumatic Brain Injury Fund (Drag Racing)
 \$ _____ Drug Testing Fund (TN Drug Control Act)
 \$ _____ CICF \$ _____ Sex Offender Tax
 \$ _____ Other:

Restitution: Victim Name Connie Rainer

Address _____

Total Amount \$ _____ Per Month \$ _____

☐ Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months☒ The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.☐ Pursuant to 39-13-521 the defendant is ordered to provide a biological specimen for the purpose of HIV testing.

Special Conditions

☐ Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

11 months 29 days susp. to time served bal. supervised
probation. R/o for victim.
costs.

Judicial Deferral.

Honorable Richard R. Vance

Judge's Name

Judge's Signature

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

IN THE CRIM L/CIRCUIT COURT OF SEVIER CO TY, TENNESSEE

Case Number: 15884-II Count # 3 Attorney for the State: A. McDermott
 Judicial District: 4th Judicial Division: II Counsel for Defendant: D. Campbell
 State of Tennessee vs. ☒ Retained ☐ Appointed ☐ Public Defender
☐ Counsel Waived ☐ Pro Se

Defendant: ISHAWAR PATEL

Alias: _____

Date of Birth: 3/15/1935Sex: MRace: I

SSN: _____

Indictment Filing Date: 10/29/2010

TDOC # _____

State Control # _____

CIRCUIT COURT

HOUR: 11:49A

State ID # _____

County Offender ID # _____

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 6 of June, 2011, the defendant:RITA D ELLISON, CLERK
SEVIER COUNTY, TN

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	Indictment: Class (circle one) 1" A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Offense: <u>SEXUAL BATTERY</u> Amended Charge: <u>Assault</u> Offense Date: <u>7/21/2010</u> County: <u>Sevier</u> Conviction Offense: <u>Assault</u> Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TCA #: <u>39-13-505</u> Sentence Imposed Date: _____ Conviction: Class (circle one) 1" (A) B C D E <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Is found: <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	

After considering the evidence, the entire record, & all factors in T.C.A. Title 40 Chapter 35, all of which are incorporated by reference herein, the Court's findings & rulings are:

Sentence Reform Act of 1989			Concurrent with:	Pretrial Jail Credit Period(s):
Offender Status (Check One)	Release Eligibility (Check One)			
<input type="checkbox"/> Mitigated <input type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career <input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> Violent 100%	<input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> 1 st Degree Murder <input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Gang Related	<u>month</u> Consecutive to: <u>count 1</u>	From <u>11:49 AM</u> to <u>11:49 AM</u> From <u>11:49 AM</u> to <u>11:49 AM</u> From <u>11:49 AM</u> to <u>11:49 AM</u>

Sentenced To: ☐ TDOC ☒ County Jail ☐ Workhouse
 Sentence Length: 11 Years 29 Months 29 Days _____ Hours _____ Weekends ☐ Life ☐ Life w/out Parole ☐ Death
 Mandatory Minimum Sentence Length: 39-17-417, 39-13-513, 39-13-514 in Drug Free Zone or 55-10-401 DUI 4th Offense
 or 39-17-1324 Possession/Employment of Firearm
 Period of incarceration to be served prior to release on probation: _____ Months _____ Days _____ Hours _____ Weekends
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)
 Alternative Sentence: ☐ Probation ☐ Diversion ☐ Drug Court ☐ Community Based Alternative - Specify _____
 _____ Years _____ Months _____ Days Effective: _____

Court Ordered Fees and Fines: \$ <input checked="" type="checkbox"/> Court Costs <input checked="" type="checkbox"/> Cost to be Paid by Defendant <input type="checkbox"/> State \$ _____ Fine Assessed \$ _____ Traumatic Brain Injury Fund (Drag Racing) \$ _____ Drug Testing Fund (TN Drug Control Act) \$ _____ CICF \$ _____ Sex Offender Tax \$ _____ Other:	Restitution: Victim Name <u>Melanie Claxton</u> Address _____ Total Amount \$ _____ Per Month \$ _____ <input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
---	--

☐ The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
☐ Pursuant to 39-13-521 the defendant is ordered to provide a biological specimen for the purpose of HIV testing.

Special Conditions ☐ Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

11 months 29 days susp. to time served
balance supervised probation
R/O fr. victim costs

Honorable Richard R. Vance

Judge's Name

Judge's Signature

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

Exhibit 2


CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 494-2011-00398	
Tennessee Human Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Ms. Connie J. Rains		Home Phone (Incl. Area Code) (865) 256-6414	Date of Birth 10-02-1965
Street Address 1016 Elvin Branch Road		City, State and ZIP Code Sevierville, TN 37876	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name RED ROOF INN & SUITES		No. Employees, Members 15 - 100	Phone No. (Include Area Code) (865) 436-6166
Street Address 401 Hemlock Inn & Suites		City, State and ZIP Code Gatlinburg, TN	
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest: 07-22-2010 Latest: 07-22-2010 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>The above-named employer hired me on June 13, 2010, as a Housekeeper. The company employs more than 15 employees.</p> <p>On July 21, 2010, I was subjected to a hostile work environment, where Ishawar Patel, employee, sexually harassed me. He would inappropriately touch and slap me. After reporting the incident I was terminated on July 22, 2010. In addition, there are other female employees who are and have been subjected to a hostile work environment, where they have been sexually harassed.</p> <p>I believe I have been discriminated against because of my sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date: 2-28-10 Charging Party Signature: Connie Jeanine Rains			

Exhibit 2

U.S. Equal Employment Opportunity Commission

Mr. Harry Patel
Owner
RED ROOF INN & SUITES
401 Henlock Street
Gatlinburg, TN 37738

PERSON FILING CHARGE

Connie J. Rains

THIS PERSON (check one or both)



Claims To Be Aggrieved



Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

AMENDED 494-2011-00398

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:



Title VII of the Civil Rights Act (Title VII)



The Equal Pay Act (EPA)



The Americans with Disabilities Act (ADA)



The Age Discrimination in Employment Act (ADEA)



The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. ☐

No action is required by you at this time.

2. ☐

Please call the EEOC Representative listed below concerning the further handling of this charge.

3. ☒

Please provide by **23-FEB-11** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

4. ☐

Please respond fully by _____ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

5. ☐

EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by _____ to _____

If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Sylvia D. Hall,
Supervisory Investigator

EEOC Representative

Telephone (615) 736-5855

Nashville Area Office
50 Vantage Way
Suite 202
Nashville, TN 37228
Fax: (615) 736-2107

Enclosure(s): ☒ Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION



Race



Color



Sex



Religion



National Origin



Age



Disability



Retaliation



Genetic Information



Other

See enclosed copy of charge of discrimination. CHARGE HAS BEEN AMENDED TO INCLUDE RETALIATION.

Date

February 9, 2011

Name / Title of Authorized Official

Sarah L. Smith,
Area Office Director

Signature

[Handwritten Signature]

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

Amended
494-2011-00398

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Connie J. Rains

Home Phone (Incl. Area Code)

(865) 256-6414

Date of Birth

10-02-1965

Street Address

City, State and ZIP Code

1016 Elvin Branch Road, Sevierville, TN 37876

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

RED ROOF INN & SUITES

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(865) 436-6166

Street Address

City, State and ZIP Code

401 Hemlock Inn & Suites, Gatlinburg, TN

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

07-22-2010**07-22-2010**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

The above-named employer hired me on June 13, 2010, as a Housekeeper. The company employs more than 15 employees.

On July 21, 2010, I was subjected to a hostile work environment, where Ishawar Patel, employee, sexually harassed me. He would inappropriately touch and slap me. After reporting the incident I was terminated on July 22, 2010. In addition, there are other female employees who are and have been subjected to a hostile work environment, where they have been sexually harassed.

I believe I have been discriminated against because of my sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.

In addition, I believe I was discharge in retaliation for opposing unlawful employment practices, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Also, I believe Females as a class are being subjected to sexual harassment, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

2-21-11 *Connie Jeanne Rains*

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Connie J. Rains
171 Shaw Hollow Road
New Tazewell, TN 37825

From: Nashville Area Office
220 Athens Way
Suite 350
Nashville, TN 37228



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2011-00398

Lu Ann Hawk,
Investigator

(615) 736-5859

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Sarah L. Smith
Sarah L. Smith,
Area Office Director

MAR 14 2012

(Date Mailed)

Enclosures(s)

CC: Harry Patel
Owner
RED ROOF INN & SUITES
401 Hemlock Street
Gatlinburg, TN 37738

Ross B. Gray
HICKMAN GRAY & ASSOCIATES PLLC
101 Bruce Street
Sevierville, TN 37862

Exhibit G

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Melanie K. Claxton**
539 Hemlock Street
Gatlinburg, TN 37738

From: **Nashville Area Office**
220 Athens Way
Suite 350
Nashville, TN 37226



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2011-00458

Lu Ann Hawk,
Investigator

(615) 36-5859

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Sarah L. Smith
Sarah L. Smith,
Area Office Director

MAR 14 2012

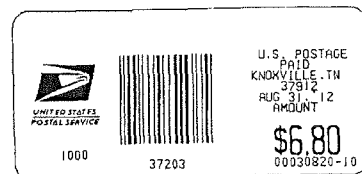
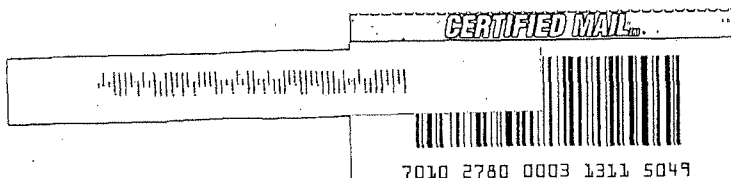
(Date Mailed)

Enclosures(s)

cc: **Harry Patel**
Owner
RED ROOF INN & SUITES
401 Hemlock Street
Gatlinburg, TN 37738

Ross B. Gray
HICKMAN GRAY AND ASSOCIATES PLLC
101 Bruce Street
Sevierville, TN 37862

Exhibit G



Hickman, Gray & Associates
101 Bruce St.
Sevierville, TN 37862

Red Roof Franchising, LLC
c/o Registered Agent Corporation Service
Company
2908 Poston Avenue
Nashville, TN 37203

Certified Mail, Return Receipt Requested